

**Mineral Hill, L.P.
John Green, General Partner
P.O. Box 33010
Austin, TX 78764
Tel: (512) 892-6430
Fax: (512) 692-2936**

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Terri A. Lorenzon, Director
Environmental Quality Council

July 1, 2008

Honorable Terri Lorenson
Director/Attorney
Wyoming Environmental Quality Council
122 W. 25th, Herschler Bldg., Rm 1714
Cheyenne, WY 82002

Transmitted via fax to Wy EQC: 307-777-6134

Mr. Hollis Marriott
655 N. Cedar St.
Laramie, WY 82072

Transmitted via mail.

Re: Petition for Designation of an Area Known as Sand Creek as Rare and Uncommon
Docket No. 07-1102. Response to Letter of Hollis Marriott.

Dear EQC & Mr. Marriott,

I am writing in response to Mr. Marriott's email sent to the Wyoming Environmental Quality Council, dated June 23, 2008. It is very disturbing that he mentions several projects in which he has been involved in surveying plants and making vegetation classification but fails and appears to have intentionally left out of his letter, more recent reports he authored. Most particularly the report he prepared for the Nature Conservancy on the vegetation of the Black Hills, entitled Black Hills Community Inventory Final Report, dated December, 1999. This report is more current than all of the other reports he did mention. After review, it is apparent to me that the reason he did not bring this report to the Council's attention, is because it does not support his current position to the Council. If he is going to hold himself out as a professional person, creditable in the field of botany, he needs to refrain in the future from misrepresenting the facts, whether through error, omission, forgetfulness, neglect or simple dishonesty.

Now to the facts as stated in the report which he withheld from the Council. The outer boundary area investigated is shown on page 55 of the Nature Conservancy report and obviously includes the Sand Creek area. See map attached. In the report, he states: "The BHCI has produced a comprehensive vegetation classification for the Black Hills, based on existing classifications and data, as well as new field survey and analysis. This classification is consistent with the National Vegetation Classification System." See Pg. 35. Page 93 of his report specifically refers to Sand Creek, which is the subject of the pending petition. It is listed as *Site # 12, Sand Creek Headwater* and lists it as a Management Level 3, with an EO Rank of B. A Management level of 3 (as reported on page 34) indicates areas "generally managed for

consumption or recreational values, but may also maintain *some* natural value.” (Emphasis added.) The rankings indicate the levels of occurrences, with A being the highest, then AB, then B. See report, page 34. His list of exemplary sites in the report does not include Sand Creek (pages 36 – 47), nor is it even listed under the heading of “Other Possible Exemplary Sites” (page 39 - 40). After review, I believe that it is fair to say that his own subsequent report discredits his letter to the Council and confirms that the area does not include vegetation which is very rare and uncommon.

But it gets worse. In his report titled Scoping Comments for Revision of Rawlins Resource Management Plan (BLM): Plant Biodiversity Issues, prepared on February 19, 2003, he states:

“Resource extraction is the major source of existing and potential threats to plant biodiversity values on lands managed by the RFO. Recreation, grazing and logging are of concern in some areas. Almost all of the resource area is available for oil/ gas leasing, and much of it is considered oil/ gas habitat. There are extensive coal deposits also. Development activity is focused in about half the area. For some of the recommended conservation sites, only limited protection is available even with designation, as much of area is already leased. However, the BLM does have the ability to add restrictions and requirements as the need arises.”

So clearly, the threats to plants according to his report of 2003 was from resource extraction with his recognition that the BLM has the ability to add restrictions and requirements regarding mineral development as the need arises. Thus in 2003, BLM is capable of protecting the oil, gas and coal deposits. Now, he is saying that the “serious threat” is from mining. One has to question whether he was lying in 2003 or 2008 as it doesn’t seem like the two different statements are consistent. It must be noted that he admits to being a “freelance botanist” so taking this in consideration with his vacillating opinions, it appears that his opinion may be more dependent on current or prospective employment rather than a truly non-biased objective and truthful opinion.

It still gets even worse. In his Field Survey for Laramie Columbine (Aquilegia laramiensis) In the Rawlins Field Office, prepared for the Wyoming Natural Diversity Database, University of Wyoming, and the Bureau of Land Management, Rawlins Field Office, dated November 1, 2004, he states:

“There are no obvious threats to overall viability of the Laramie Columbine [Aquilegia laramiensis] at this time.” Page 8

Clearly, this is not the same property as the Rawlins Field Office would be to the south of the Sand Creek area and it is focused on one particular plant, which is not listed in Ms. Dunsmore’s petition (again supporting a finding that the Sand Creek area is not a very rare and uncommon area based on existing vegetation). Nevertheless, if Mr. Marriott had truly reviewed the petition, you would think that out of fairness and a desire to be objective and honest, that he would have acknowledged to the Council that whereas the Laramie Columbine is listed by the U.S.

Department of Agriculture's plant database as existing only in Wyoming (see attached printout of USDA map), all of the plants listed in Ms. Dunsmore's petition are found in numerous states and Canada, with none of them limited to only Wyoming, much less exclusive to the Sand Creek area.

It thus appears clear to me that Mr. Marriott's statements, which he presents as a professional botanist, for the Council's reliance, are not to be trusted and at best, should be considered misleading, if not deceitful.

Sincerely,



John Green

Copy: Prof. Steven L. Miller, Chair
Department of Botany, 3165
1000 E. University Ave.
University of Wyoming
Laramie, WY 82071

Transmitted via fax: 307-766-2851

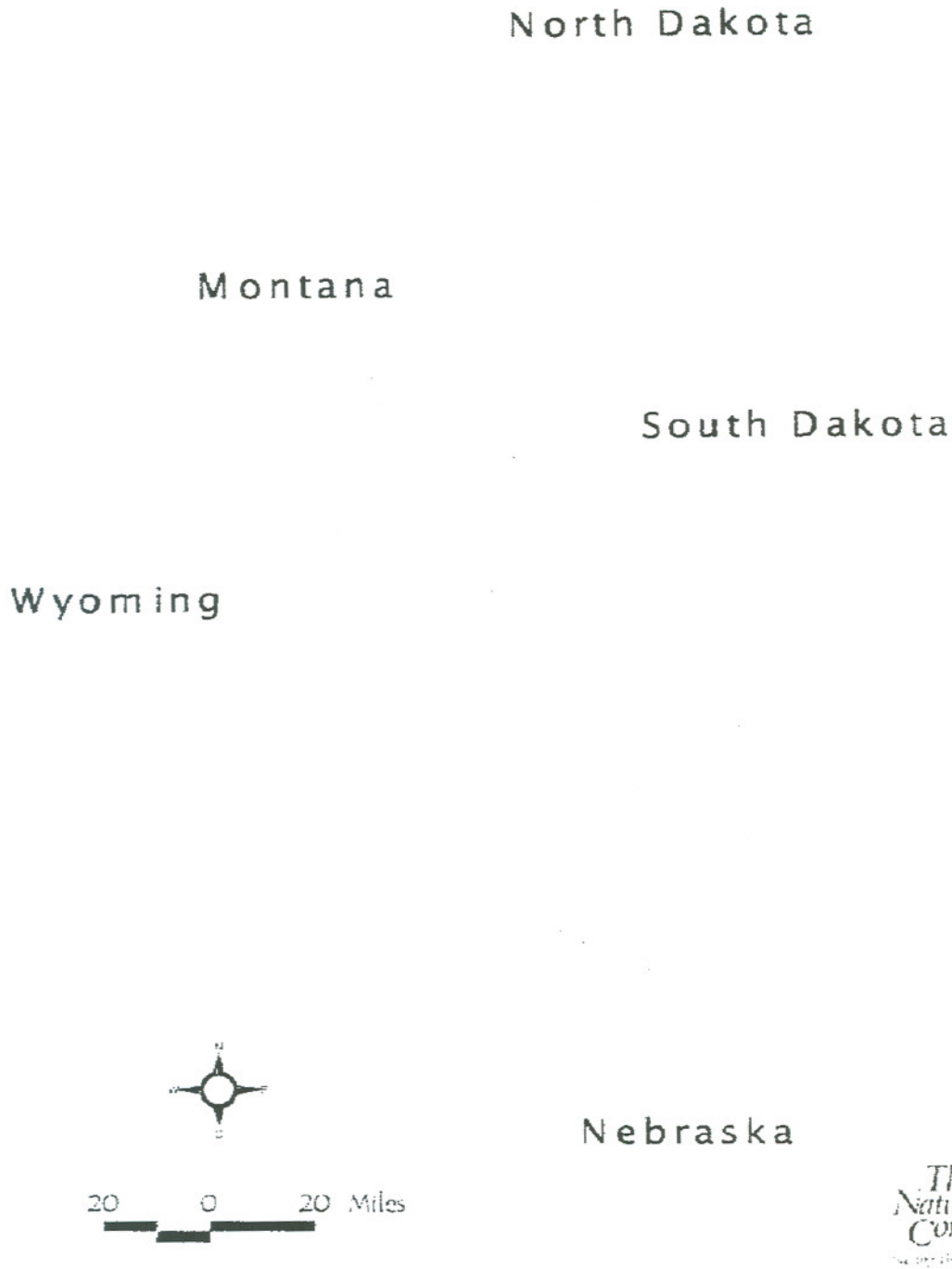


Figure 1. Location of the Black Hills. The Cretaceous Mowry Formation marks the outer boundary of the study area (after DeWitt et al. 1989).

Map produced by The Nature Conservancy, Midwest Conservation Science Center
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